

Senate File 183

H-8050

1 Amend Senate File 183, as passed by the Senate, as follows:

2 1. Page 9, after line 16 by inserting:

3 <DIVISION III

4 BIDDER QUALIFICATIONS

5 Sec. \_\_\_\_\_. Section 26.16, Code 2022, is amended to read as  
6 follows:

7 **26.16 Prequalification requirements prohibited.**

8 A governmental entity, other than a county or city as  
9 provided in sections 331.341 and 364.4, shall not by ordinance,  
10 rule, or any other action relating to contracts for public  
11 improvements for which competitive bids are required by this  
12 chapter impose any requirement that directly or indirectly  
13 restricts potential bidders to any predetermined class of  
14 bidders defined by experience on similar projects, size of  
15 company, union membership, or any other criteria. However, a  
16 governmental entity shall require nonresident bidders to comply  
17 with [section 73A.21, subsection 4](#).

18 Sec. \_\_\_\_\_. Section 331.341, Code 2022, is amended by adding  
19 the following new subsections:

20 NEW SUBSECTION. 6. *a*. Notwithstanding section 26.16, the  
21 board may, before making available a form for bid proposals,  
22 plans, and specifications to a prospective bidder, except  
23 suppliers and others not intending to submit a direct bid,  
24 require the prospective bidder to submit a full and complete  
25 sworn statement of qualifications. The statement shall consist  
26 of documentation relating to the following:

27 (1) Financial ability to perform.

28 (2) Possession of necessary equipment.

29 (3) Experience in the work prescribed in the public  
30 contract, including but not limited to safety record.

31 (4) Other matters that the board may require for the  
32 protection and welfare of the public in the performance of a  
33 public contract, including but not limited to the following:

34 (a) Background checks.

35 (b) Third-party drug testing.

1 (c) Accredited apprenticeship.  
2 (d) Continuing education.  
3 (e) Training pursuant to section 88.16.  
4 (f) Applicable licensing.  
5 b. The statement shall be in writing on a standard form  
6 adopted and furnished by the board. The statement shall be  
7 received not less than five days prior to the time set for  
8 the opening of bids. The contents of the statement shall  
9 be confidential and may not be disclosed except upon the  
10 written authorization of the prospective bidder furnishing the  
11 statement, for necessary use by the board in qualifying the  
12 prospective bidder, or in cases of actions by or against the  
13 prospective bidder or the board. The board shall evaluate  
14 the statement and shall find the prospective bidder either  
15 qualified or unqualified.  
16 NEW SUBSECTION. 7. A bid shall not be accepted from a  
17 prospective bidder who has not submitted the statement as  
18 provided in subsection 6, provided that any prospective bidder  
19 who has previously submitted a statement to the satisfaction of  
20 the board may be exempt from resubmitting the statement if so  
21 determined by the board.  
22 Sec. \_\_\_\_\_. Section 364.4, Code 2022, is amended by adding the  
23 following new subsection:  
24 NEW SUBSECTION. 6. a. (1) Before making available a form  
25 for bid proposals, plans, and specifications to a prospective  
26 bidder, except suppliers and others not intending to submit a  
27 direct bid, require the prospective bidder to submit a full and  
28 complete sworn statement of qualifications, notwithstanding  
29 section 26.16. The statement shall consist of documentation  
30 relating to the following:  
31 (a) Financial ability to perform.  
32 (b) Possession of necessary equipment.  
33 (c) Experience in the work prescribed in the public  
34 contract, including but not limited to safety record.  
35 (d) Other matters that the city may require for the

1 protection and welfare of the public in the performance of a  
2 public contract, including but not limited to the following:

- 3 (i) Background checks.
- 4 (ii) Third-party drug testing.
- 5 (iii) Accredited apprenticeship.
- 6 (iv) Continuing education.
- 7 (v) Training pursuant to section 88.16.
- 8 (vi) Applicable licensing.

9 (2) The statement shall be in writing on a standard form  
10 adopted and furnished by the city. The statement shall be  
11 received not less than five days prior to the time set for  
12 the opening of bids. The contents of the statement shall  
13 be confidential and may not be disclosed except upon the  
14 written authorization of the prospective bidder furnishing  
15 the statement, for necessary use by the city in qualifying  
16 the prospective bidder, or in cases of actions by or against  
17 the prospective bidder or the city. The city shall properly  
18 evaluate the statement and shall find the prospective bidder  
19 either qualified or unqualified.

20 *b.* A bid shall not be accepted from a prospective bidder  
21 who has not submitted the statement as provided in paragraph  
22 "a", provided that any prospective bidder who has submitted a  
23 statement to the satisfaction of the city may be exempt from  
24 resubmitting the statement if so determined by the city.>

25 2. Title page, line 1, after <An Act> by inserting  
26 <concerning public construction bidding, relating to bidder  
27 qualifications and>

28 3. By renumbering as necessary.

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GJERDE of Linn